



110658-005
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Ross, et al.

Serial Number: 09/545,316

Filed: April 7, 2000

For: SYSTEM AND METHOD FOR
FACILITATING THE PRE-
PUBLICATION PEER REVIEW
PROCESS

Group Art Unit: 2176

Examiner: T. Huynh

RECEIVED

JAN 07 2004

Technology Center 2100

Response to Notification of Non-Compliance with 37 C.F.R. § 1.192(c)

Mail Stop Appeal Brief-Patents
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This communication is in response to the Office Action mailed December 18, 2003. In order to avoid dismissal of the appeal, Applicant respectfully re-submits the appeal brief that was filed on September 22, 2003 in triplicate.

If the Examiner has any questions or comments regarding this Communication, the Examiner is respectfully urged to contact the undersigned at the number listed below.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

December 31, 2003

Date of Deposit

110658.000005/442715.01

Karin E. Harden

Name of Person Mailing Paper

Karin E. Harden

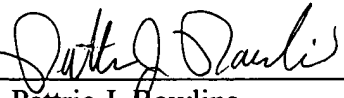
Signature of Person Mailing Paper

The Commissioner is hereby authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Deposit Account No. **50-2075**.

Respectfully submitted,

Procopio, Cory, Hargreaves & Savitch LLP

Dated: December 31, 2003

By: 
Patric J. Rawlins
Reg. No. 47,887

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900



Approved for use through 07/31/2006. OMB 551-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

84

Application Number

09/545,316

Filing Date

April 7, 2000

First Named Inventor

Ross, et al.

Art Unit

2176

Examiner Name

T. Huynh

Attorney Docket Number

110658-000005

RECEIVED

JAN 07 2004

ENCLOSURES (Check all that apply)

Technology Center 2100

- | | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input checked="" type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | The commissioner is hereby authorized to charge to Procopio, Cory, Hargreaves & Savitch's Deposit Account No. 50-2075 for any fees associated with the filing of the present Appeal Brief and any fees associated with the extension of time request. | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual

Patric J. Rawlins
Procopio, Cory, Hargreaves & Savitch LLP

Signature

Date

September 18, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or	Marcelle A. Oyos	Date	September 18, 2003
Signature	<i>Marcelle A. Oyos</i>		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

RECEIVED**JAN 07 2004****Technology Center 2100**